

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SENATE BILL 1132

AN ACT

AMENDING SECTION 4-226, ARIZONA REVISED STATUTES; AMENDING TITLE 4, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 4-229; AMENDING SECTIONS 4-244, 4-246, 5-395.03, 28-1321, 28-1385, 28-3320, 28-3322 AND 28-3511, ARIZONA REVISED STATUTES; RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 4-226, Arizona Revised Statutes, is amended to
3 read:

4 4-226. Exemptions

5 The provisions of this title do not apply to:

6 1. Drugstores selling spirituous liquors only upon prescription.

7 2. Any confectionery candy containing less than five per cent by
8 weight of alcohol.

9 3. Ethyl alcohol intended for use or used for the following purposes:

10 (a) Scientific, chemical, mechanical, industrial and medicinal
11 purposes.

12 (b) Use by those authorized to procure spirituous liquor or ethyl
13 alcohol tax-free, as provided by the acts of Congress and regulations
14 promulgated thereunder.

15 (c) In the manufacture of denatured alcohol produced and used as
16 provided by the acts of Congress and regulations promulgated thereunder.

17 (d) In the manufacture of patented, patent, proprietary, medicinal,
18 pharmaceutical, antiseptic, toilet, scientific, chemical, mechanical and
19 industrial preparations or products, unfit and not used for beverage
20 purposes.

21 (e) In the manufacture of flavoring extracts and syrups unfit for
22 beverage purposes.

23 4. The purchase, storage, distribution, service or consumption of wine
24 in connection with the bona fide practice of a religious belief or as an
25 integral part of a religious exercise by a church recognized by the United
26 States internal revenue service under section 501(c)(3) of the internal
27 revenue code and in a manner not dangerous to public health or safety. This
28 exemption does not apply to any alleged violation of section 4-244, paragraph
29 9, ~~33, 34 or 40~~ 35, 36 OR 42.

30 Sec. 2. Title 4, chapter 2, article 2, Arizona Revised Statutes, is
31 amended by adding section 4-229, to read:

32 4-229. Restaurant licenses; pistols; posting of notice

33 A. A LICENSEE WHO HOLDS A RESTAURANT LICENSE ISSUED PURSUANT TO
34 SECTION 4-205.02 MAY ALLOW THE POSSESSION OF A PISTOL ON THE LICENSED
35 PREMISES.

36 B. A LICENSEE WHO ALLOWS POSSESSION OF A PISTOL UNDER THIS SECTION
37 SHALL POST A NOTICE AT LEAST AT THE PRIMARY PUBLIC ENTRANCE AND THE SECONDARY
38 PUBLIC ENTRANCE TO THE LICENSED PREMISES THAT STATES "THIS ESTABLISHMENT
39 ALLOWS PISTOLS AND SERVES ALCOHOL. POSTED PURSUANT TO A.R.S. SECTION 4-229".
40 THE NOTICE SHALL BE IN AT LEAST EIGHTY POINT TYPE EXCEPT THAT THE WORDS
41 "A.R.S. SECTION 4-229" MAY BE IN ANY OTHER POINT TYPE.

42 C. A NOTICE REQUIRED BY THIS SECTION SHALL BE CONSPICUOUSLY POSTED IN
43 A POSITION THAT ASSURES IT IS LIKELY TO BE READ. THE DEPARTMENT OF LIQUOR
44 LICENSES AND CONTROL SHALL ADOPT RULES PERTAINING TO THIS SECTION, INCLUDING
45 THE DESIGN, LOCATION AND POSTING OF THE NOTICE REQUIRED BY THIS SECTION.

1 Sec. 3. Section 4-244, Arizona Revised Statutes, is amended to read:

2 4-244. Unlawful acts

3 It is unlawful:

4 1. For a person to buy for resale, sell or deal in spirituous liquors
5 in this state without first having procured a license duly issued by the
6 board.

7 2. For a person to sell or deal in alcohol for beverage purposes
8 without first complying with this title.

9 3. For a distiller, vintner, brewer or wholesaler knowingly to sell,
10 dispose of or give spirituous liquor to any person other than a licensee
11 except in sampling wares as may be necessary in the ordinary course of
12 business, except in donating spirituous liquor to a nonprofit organization
13 which has obtained a special event license for the purpose of charitable fund
14 raising activities or except in donating spirituous liquor with a cost to the
15 distiller, brewer or wholesaler of up to one hundred dollars in a calendar
16 year to an organization that is exempt from federal income taxes under
17 section 501(c) of the internal revenue code and not licensed under this
18 title.

19 4. For a distiller, vintner or brewer to require a wholesaler to offer
20 or grant a discount to a retailer, unless the discount has also been offered
21 and granted to the wholesaler by the distiller, vintner or brewer.

22 5. For a distiller, vintner or brewer to use a vehicle for trucking or
23 transportation of spirituous liquors unless there is affixed to both sides of
24 the vehicle a sign showing the name and address of the licensee and the type
25 and number of the person's license in letters not less than three and
26 one-half inches in height.

27 6. For a person to take or solicit orders for spirituous liquors
28 unless the person is a salesman or solicitor of a licensed wholesaler, a
29 salesman or solicitor of a distiller, brewer, vintner, importer or broker or
30 a registered retail agent.

31 7. For any retail licensee to purchase spirituous liquors from any
32 person other than a solicitor or salesman of a wholesaler licensed in this
33 state.

34 8. For a retailer to acquire an interest in property owned, occupied
35 or used by a wholesaler in his business, or in a license with respect to the
36 premises of the wholesaler.

37 9. Except as provided in paragraphs 10 and 11 of this section, for a
38 licensee or other person to sell, furnish, dispose of or give, or cause to be
39 sold, furnished, disposed of or given, to a person under the legal drinking
40 age or for a person under the legal drinking age to buy, receive, have in the
41 person's possession or consume spirituous liquor. This paragraph shall not
42 prohibit the employment by an off-sale retailer of persons who are at least
43 sixteen years of age to check out, if supervised by a person on the premises
44 who is at least nineteen years of age, package or carry merchandise,
45 including spirituous liquor, in unbroken packages, for the convenience of the

1 customer of the employer, if the employer sells primarily merchandise other
2 than spirituous liquor.

3 10. For a licensee to employ a person under ~~the age of~~ nineteen years
4 **OF AGE** to manufacture, sell or dispose of spirituous liquors. This paragraph
5 shall not prohibit the employment by an off-sale retailer of persons who are
6 at least sixteen years of age to check out, if supervised by a person on the
7 premises who is at least nineteen years of age, package or carry merchandise,
8 including spirituous liquor, in unbroken packages, for the convenience of the
9 customer of the employer, if the employer sells primarily merchandise other
10 than spirituous liquor.

11 11. For an on-sale retailer to employ a person under ~~the age of~~
12 nineteen years **OF AGE** in any capacity connected with the handling of
13 spirituous liquors. This paragraph does not prohibit the employment by an
14 on-sale retailer of a person under ~~the age of~~ nineteen years **OF AGE** who
15 cleans up the tables on the premises for reuse, removes dirty dishes, keeps a
16 ready supply of needed items and helps clean up the premises.

17 12. For a licensee, when engaged in waiting on or serving customers, to
18 consume spirituous liquor or for a licensee or on-duty employee to be on or
19 about the licensed premises while in an intoxicated or disorderly condition.

20 13. For an employee of a retail licensee, during that employee's
21 working hours or in connection with such employment, to give to or purchase
22 for any other person, accept a gift of, purchase for himself or consume
23 spirituous liquor, except that:

24 (a) An employee of a licensee, during that employee's working hours or
25 in connection with the employment, while the employee is not engaged in
26 waiting on or serving customers, may give spirituous liquor to or purchase
27 spirituous liquor for any other person.

28 (b) An employee of an on-sale retail licensee, during that employee's
29 working hours or in connection with the employment, while the employee is not
30 engaged in waiting on or serving customers, may taste samples of beer or wine
31 not to exceed four ounces per day or distilled spirits not to exceed two
32 ounces per day provided by an employee of a wholesaler or distributor who is
33 present at the time of the sampling.

34 (c) An employee of an on-sale retail licensee, under the supervision
35 of a manager as part of the employee's training and education, while not
36 engaged in waiting on or serving customers may taste samples of distilled
37 spirits not to exceed two ounces per educational session or beer or wine not
38 to exceed four ounces per educational session, and provided that a licensee
39 shall not have more than two educational sessions in any thirty day period.

40 (d) An unpaid volunteer who is a bona fide member of a club and who is
41 not engaged in waiting on or serving spirituous liquor to customers may
42 purchase for himself and consume spirituous liquor while participating in a
43 scheduled event at the club. An unpaid participant in a food competition may
44 purchase for himself and consume spirituous liquor while participating in the
45 food competition.

1 (e) An unpaid volunteer of a special event licensee under section
2 4-203.02 may purchase and consume spirituous liquor while not engaged in
3 waiting on or serving spirituous liquor to customers at the special event.
4 This subdivision does not apply to an unpaid volunteer whose responsibilities
5 include verification of a person's legal drinking age, security or the
6 operation of any vehicle or heavy machinery.

7 14. For a licensee or other person to serve, sell or furnish spirituous
8 liquor to a disorderly or obviously intoxicated person, or for a licensee or
9 employee of the licensee to allow or permit a disorderly or obviously
10 intoxicated person to come into or remain on or about the premises, except
11 that a licensee or an employee of the licensee may allow an obviously
12 intoxicated person to remain on the premises for a period of time of not to
13 exceed thirty minutes after the state of obvious intoxication is known or
14 should be known to the licensee in order that a nonintoxicated person may
15 transport the obviously intoxicated person from the premises. For the
16 purposes of this section, "obviously intoxicated" means inebriated to the
17 extent that a person's physical faculties are substantially impaired and the
18 impairment is shown by significantly uncoordinated physical action or
19 significant physical dysfunction that would have been obvious to a reasonable
20 person.

21 15. For an on-sale or off-sale retailer or an employee of such retailer
22 to sell, dispose of, deliver or give spirituous liquor to a person between
23 the hours of 2:00 a.m. and 6:00 a.m. on weekdays, and 2:00 a.m. and
24 10:00 a.m. on Sundays.

25 16. For a licensee or employee to knowingly permit any person on or
26 about the licensed premises to give or furnish any spirituous liquor to any
27 person under ~~the age of~~ twenty-one YEARS OF AGE or knowingly permit any
28 person under ~~the age of~~ twenty-one YEARS OF AGE to have in the person's
29 possession spirituous liquor on the licensed premises.

30 17. For an on-sale retailer or an employee of such retailer to allow a
31 person to consume or possess spirituous liquors on the premises between the
32 hours of 2:30 a.m. and 6:00 a.m. on weekdays, and 2:30 a.m. and 10:00 a.m. on
33 Sundays.

34 18. For an on-sale retailer to permit an employee or for an employee to
35 solicit or encourage others, directly or indirectly, to buy the employee
36 drinks or anything of value in the licensed premises during the employee's
37 working hours. No on-sale retailer shall serve employees or allow a patron
38 of the establishment to give spirituous liquor to, purchase liquor for or
39 drink liquor with any employee during the employee's working hours.

40 19. For an off-sale retailer or employee to sell spirituous liquor
41 except in the original unbroken container, to permit spirituous liquor to be
42 consumed on the premises or to knowingly permit spirituous liquor to be
43 consumed on adjacent property under the licensee's exclusive control.

1 20. For a person to consume spirituous liquor in a public place,
2 thoroughfare or gathering. The license of a licensee permitting a violation
3 of this paragraph on the premises shall be subject to revocation. This
4 paragraph does not apply to the sale of spirituous liquors on the premises of
5 and by an on-sale retailer. This paragraph also does not apply to a person
6 consuming beer from a broken package in a public recreation area or on
7 private property with permission of the owner or lessor or on the walkways
8 surrounding such private property.

9 21. For a person to have possession of or to transport spirituous
10 liquor which is manufactured in a distillery, winery, brewery or rectifying
11 plant contrary to the laws of the United States and this state. Any property
12 used in transporting such spirituous liquor shall be forfeited to the state
13 and shall be seized and disposed of as provided in section 4-221.

14 22. For an on-sale retailer or employee to allow a person under the
15 legal drinking age to remain in an area on the licensed premises during those
16 hours in which its primary use is the sale, dispensing or consumption of
17 alcoholic beverages after the licensee, or the licensee's employees, know or
18 should have known that the person is under the legal drinking age. An
19 on-sale retailer may designate an area of the licensed premises as an area in
20 which spirituous liquor will not be sold or consumed for the purpose of
21 allowing underage persons on the premises if the designated area is separated
22 by a physical barrier and at no time will underage persons have access to the
23 area in which spirituous liquor is sold or consumed. A licensee or an
24 employee of a licensee may require a person who intends to enter a licensed
25 premises or a portion of a licensed premises where persons under the legal
26 drinking age are prohibited under this section to exhibit a written
27 instrument of identification that is acceptable under section 4-241 as a
28 condition of entry. The director, or a municipality, may adopt rules to
29 regulate the presence of underage persons on licensed premises provided the
30 rules adopted by a municipality are more stringent than those adopted by the
31 director. The rules adopted by the municipality shall be adopted by local
32 ordinance and shall not interfere with the licensee's ability to comply with
33 this paragraph. This paragraph does not apply:

34 (a) If the person under the legal drinking age is accompanied by a
35 spouse, parent or legal guardian of legal drinking age or is an on-duty
36 employee of the licensee.

37 (b) If the owner, lessee or occupant of the premises is a club as
38 defined in section 4-101, paragraph 7, subdivision (a) and the person under
39 the legal drinking age is any of the following:

40 (i) An active duty military service member.

41 (ii) A veteran.

42 (iii) A member of the United States army national guard or the United
43 States air national guard.

44 (iv) A member of the United States military reserve forces.

1 (c) To the area of the premises used primarily for the serving of food
2 during the hours when food is served.

3 23. For an on-sale retailer or employee to conduct drinking contests,
4 to sell or deliver to a person an unlimited number of spirituous liquor
5 beverages during any set period of time for a fixed price, to deliver more
6 than thirty-two ounces of beer, one liter of wine or four ounces of distilled
7 spirits in any spirituous liquor drink to one person at one time for that
8 person's consumption or to advertise any practice prohibited by this
9 paragraph.

10 24. For a licensee or employee to knowingly permit the unlawful
11 possession, use, sale or offer for sale of narcotics, dangerous drugs or
12 marijuana on the premises.

13 25. For a licensee or employee to knowingly permit prostitution or the
14 solicitation of prostitution on the premises.

15 26. For a licensee or employee to knowingly permit unlawful gambling on
16 the premises.

17 27. For a licensee or employee to knowingly permit trafficking or
18 attempted trafficking in stolen property on the premises.

19 28. For a licensee or employee to fail or refuse to make the premises
20 or records available for inspection and examination as provided in this title
21 or to comply with a lawful subpoena issued under this title.

22 29. For any person other than a peace officer, the licensee or an
23 employee of the licensee acting with the permission of the licensee to be in
24 possession of a firearm while on the licensed premises of an on-sale retailer
25 ~~knowing~~, OTHER THAN THE PREMISES OF A RESTAURANT LICENSEE WHO HAS POSTED A
26 NOTICE PURSUANT TO SECTION 4-229, IF THE PERSON KNOWS such possession is
27 prohibited. This paragraph shall not be construed to include a situation in
28 which a person is on licensed premises for a limited time in order to seek
29 emergency aid and such person does not buy, receive, consume or possess
30 spirituous liquor. This paragraph shall not apply to hotel or motel guest
31 room accommodations nor to the exhibition or display of a firearm in
32 conjunction with a meeting, show, class or similar event.

33 30. For a licensee or employee to knowingly permit a person in
34 possession of a firearm other than a peace officer, the licensee or an
35 employee of the licensee acting with the permission of the licensee to remain
36 on the licensed premises OTHER THAN THE PREMISES OF A RESTAURANT LICENSEE WHO
37 HAS POSTED A NOTICE PURSUANT TO SECTION 4-229 or to serve, sell or furnish
38 spirituous liquor to a person in possession of a firearm while on the
39 licensed premises of an on-sale retailer OTHER THAN THE PREMISES OF A
40 RESTAURANT LICENSEE WHO HAS POSTED A NOTICE PURSUANT TO SECTION 4-229. This
41 paragraph shall not apply to hotel or motel guest room accommodations nor to
42 the exhibition or display of a firearm in conjunction with a meeting, show,
43 class or similar event. It shall be a defense to action under this paragraph
44 if the licensee or employee requested assistance of a peace officer to remove
45 such person.

1 31. FOR ANY PERSON IN POSSESSION OF A PISTOL WHILE ON THE LICENSED
2 PREMISES OF A RESTAURANT LICENSEE WHO HAS POSTED A NOTICE PURSUANT TO SECTION
3 4-229 TO CONSUME SPIRITUOUS LIQUOR.

4 32. FOR ANY PERSON, EXCEPT A PERSON CERTIFIED BY THE ARIZONA PEACE
5 OFFICER STANDARDS AND TRAINING BOARD PURSUANT TO SECTION 41-1822 OR A PERSON
6 ACTING UNDER THE PEACE OFFICER AUTHORITY PURSUANT TO SECTION 8-205, 12-253 OR
7 13-916, IN POSSESSION OF A PISTOL WHILE ON THE LICENSED PREMISES OF A
8 RESTAURANT LICENSEE WHO HAS POSTED A NOTICE PURSUANT TO SECTION 4-229 TO
9 REMOVE THE PISTOL FROM A HOLSTER OR TO REMOVE THE PISTOL FROM A PLACE OF
10 LAWFUL CONCEALMENT EXCEPT TO DEFEND THE LIFE OF THAT PERSON OR TO DEFEND THE
11 LIFE OF ANOTHER PERSON.

12 ~~31.~~ 33. For a licensee or employee to knowingly permit spirituous
13 liquor to be removed from the licensed premises, except in the original
14 unbroken package. This paragraph shall not apply to either of the following:

15 (a) A person who removes a bottle of wine which has been partially
16 consumed in conjunction with a purchased meal from licensed premises if a
17 cork is inserted flush with the top of the bottle or the bottle is otherwise
18 securely closed.

19 (b) A person who is in licensed premises that have noncontiguous
20 portions that are separated by a public or private walkway or driveway and
21 who takes spirituous liquor from one portion of the licensed premises across
22 the public or private walkway OR DRIVEWAY directly to the other portion of
23 the licensed premises.

24 ~~32.~~ 34. For a person who is obviously intoxicated to buy or attempt to
25 buy spirituous liquor from a licensee or employee of a licensee or to consume
26 spirituous liquor on licensed premises.

27 ~~33.~~ 35. For a person under ~~the age of~~ twenty-one years OF AGE to drive
28 or be in physical control of a motor vehicle while there is any spirituous
29 liquor in the person's body.

30 ~~34.~~ 36. For a person under ~~the age of~~ twenty-one years OF AGE to
31 operate or be in physical control of a motorized watercraft that is underway
32 while there is any spirituous liquor in the person's body. For the purposes
33 of this paragraph, "underway" has the same meaning prescribed in section
34 5-301.

35 ~~35.~~ 37. For a licensee, manager, employee or controlling person to
36 purposely induce a voter, by means of alcohol, to vote or abstain from voting
37 for or against a particular candidate or issue on an election day.

38 ~~36.~~ 38. For a licensee to fail to report an occurrence of an act of
39 violence to either the department or a law enforcement agency.

40 ~~37.~~ 39. For a licensee to use a vending machine for the purpose of
41 dispensing spirituous liquor.

42 ~~38.~~ 40. For a licensee to offer for sale a wine carrying a label
43 including a reference to Arizona or any Arizona city, town or geographic
44 location unless at least seventy-five per cent by volume of the grapes used
45 in making the wine were grown in Arizona.

1 ~~39.~~ 41. For a retailer to knowingly allow a customer to bring
2 spirituous liquor onto the licensed premises, except that an on-sale retailer
3 may allow a wine and food club to bring wine onto the premises for
4 consumption by the club's members and guests of the club's members in
5 conjunction with meals purchased at a meeting of the club that is conducted
6 on the premises and that at least seven members attend. An on-sale retailer
7 who allows wine and food clubs to bring wine onto its premises under this
8 paragraph shall comply with all applicable provisions of this title and any
9 rules adopted pursuant to this title to the same extent as if the on-sale
10 retailer had sold the wine to the members of the club and their guests. For
11 the purposes of this paragraph, "wine and food club" means an association
12 that has more than twenty bona fide members paying at least six dollars per
13 year in dues and that has been in existence for at least one year.

14 ~~40.~~ 42. For a person under ~~the age of~~ twenty-one years ~~OF AGE~~ to have
15 in the person's body any spirituous liquor. In a prosecution for a violation
16 of this paragraph:

17 (a) Pursuant to section 4-249, it is a defense that the spirituous
18 liquor was consumed in connection with the bona fide practice of a religious
19 belief or as an integral part of a religious exercise and in a manner not
20 dangerous to public health or safety.

21 (b) Pursuant to section 4-226, it is a defense that the spirituous
22 liquor was consumed for a bona fide medicinal purpose and in a manner not
23 dangerous to public health or safety.

24 ~~41.~~ 43. For an employee of a licensee to accept any gratuity,
25 compensation, remuneration or consideration of any kind to either:

26 (a) Permit a person who is under twenty-one years of age to enter any
27 portion of the premises where that person is prohibited from entering
28 pursuant to paragraph 22 of this section.

29 (b) Sell, furnish, dispose of or give spirituous liquor to a person
30 who is under twenty-one years of age.

31 ~~42.~~ 44. For a person to purchase, offer for sale or use any device,
32 machine or process which mixes spirituous liquor with pure oxygen or another
33 gas to produce a vaporized product for the purpose of consumption by
34 inhalation.

35 ~~43.~~ 45. For a retail licensee or an employee of a retail licensee to
36 sell spirituous liquor to a person if the retail licensee or employee knows
37 the person intends to resell the spirituous liquor.

38 Sec. 4. Section 4-246, Arizona Revised Statutes, is amended to read:

39 ~~4-246.~~ Violation; classification

40 A. A person violating any provision of this title is guilty of a class
41 2 misdemeanor unless another classification is prescribed.

42 B. A person violating section 4-244, paragraph 9, 14, ~~33, 41 or 43~~ 31,
43 35, 43 OR 45 is guilty of a class 1 misdemeanor.

1 C. In addition to any other penalty prescribed by law, the court may
2 suspend the privilege to drive of a person under eighteen years of age for a
3 period of up to one hundred eighty days on receiving the record of the
4 person's first conviction for a violation of section 4-244, paragraph 9.

5 D. In addition to any other penalty prescribed by law, a person who is
6 convicted of a violation of section 4-244, paragraph ~~41~~ 43 shall pay a fine
7 of not less than five hundred dollars.

8 E. In addition to any other penalty prescribed by law, a person who is
9 convicted of a violation of section 4-241, subsection L, M or N shall pay a
10 fine of not less than two hundred fifty dollars.

11 Sec. 5. Section 5-395.03, Arizona Revised Statutes, is amended to
12 read:

13 5-395.03. Test for alcohol concentration or drug content;
14 refusal; civil penalty

15 A. Any person who operates a motorized watercraft that is underway
16 within this state shall submit, subject to section 4-244, paragraph ~~34~~ 36,
17 section 5-395 or section 5-396, to a test or tests of the person's blood,
18 breath, urine or other bodily substance for the purpose of determining
19 alcohol concentration or drug content if the person is arrested for any
20 offense arising out of acts alleged to have been committed in violation of
21 this chapter or section 4-244, paragraph ~~34~~ 36 while the person was operating
22 or in actual physical control of a motorized watercraft that was underway
23 while under the influence of intoxicating liquor or drugs. The test or tests
24 chosen by the law enforcement agency shall be administered at the direction
25 of a law enforcement officer having reasonable grounds to believe the person
26 to have been operating or in actual physical control of a motorized
27 watercraft that is underway within this state while under the influence of
28 intoxicating liquor or drugs, or if the person is under twenty-one years of
29 age, with spirituous liquor in the person's body.

30 B. Following an arrest a violator shall be requested to submit to and
31 successfully complete any test or tests prescribed by subsection A of this
32 section, and if the violator refuses the violator shall be informed that the
33 violator is subject to a civil penalty.

34 C. A person who refuses any test or tests prescribed by subsection A
35 of this section is subject to a civil penalty of seven hundred fifty dollars
36 and shall pay an additional civil penalty of five hundred dollars. ~~to~~ THE
37 ADDITIONAL CIVIL PENALTY OF FIVE HUNDRED DOLLARS SHALL be deposited by the
38 state treasurer in the prison construction and operations fund established by
39 section 41-1651. ~~The additional civil penalty of five hundred dollars AND~~ is
40 not subject to any surcharge. If the additional civil penalty is imposed by
41 the superior court or a justice court, the court shall transmit the amount
42 collected for the additional civil penalty to the county treasurer. If the
43 additional civil penalty is imposed by a municipal court, the court shall
44 transmit the amount collected for the additional civil penalty to the city

1 treasurer. The city or county treasurer shall transmit the monies received
2 pursuant to this subsection to the state treasurer.

3 D. If a person under arrest refuses to submit to the test designated
4 by the law enforcement agency as provided in subsection A of this section
5 none shall be given, except as provided in section 5-395, subsection J or
6 pursuant to a search warrant.

7 Sec. 6. Section 28-1321, Arizona Revised Statutes, is amended to read:

8 ~~28-1321.~~ Implied consent; tests; refusal to submit to test;
9 order of suspension; hearing; review; temporary
10 permit; notification of suspension; special ignition
11 interlock restricted driver license

12 A. A person who operates a motor vehicle in this state gives consent,
13 subject to section 4-244, paragraph ~~33~~ 35 or section 28-1381, 28-1382 or
14 28-1383, to a test or tests of the person's blood, breath, urine or other
15 bodily substance for the purpose of determining alcohol concentration or drug
16 content if the person is arrested for any offense arising out of acts alleged
17 to have been committed in violation of this chapter or section 4-244,
18 paragraph ~~33~~ 35 while the person was driving or in actual physical control of
19 a motor vehicle while under the influence of intoxicating liquor or drugs.
20 The test or tests chosen by the law enforcement agency shall be administered
21 at the direction of a law enforcement officer having reasonable grounds to
22 believe that the person was driving or in actual physical control of a motor
23 vehicle in this state either:

24 1. While under the influence of intoxicating liquor or drugs.

25 2. If the person is under twenty-one years of age, with spirituous
26 liquor in the person's body.

27 B. After an arrest a violator shall be requested to submit to and
28 successfully complete any test or tests prescribed by subsection A of this
29 section, and if the violator refuses the violator shall be informed that the
30 violator's license or permit to drive will be suspended or denied for twelve
31 months, or for two years for a second or subsequent refusal within a period
32 of eighty-four months, unless the violator expressly agrees to submit to and
33 successfully completes the test or tests. A failure to expressly agree to
34 the test or successfully complete the test is deemed a refusal. The violator
35 shall also be informed that if the test results show a blood or breath
36 alcohol concentration of 0.08 or more, or if the results show a blood or
37 breath alcohol concentration of 0.04 or more and the violator was driving or
38 in actual physical control of a commercial motor vehicle, the violator's
39 license or permit to drive will be suspended or denied for not less than
40 ninety consecutive days.

41 C. A person who is dead, unconscious or otherwise in a condition
42 rendering the person incapable of refusal is deemed not to have withdrawn the
43 consent provided by subsection A of this section and the test or tests may be
44 administered, subject to section 4-244, paragraph ~~33~~ 35 or section 28-1381,
45 28-1382 or 28-1383.

1 D. If a person under arrest refuses to submit to the test designated
2 by the law enforcement agency as provided in subsection A of this section:

3 1. The test shall not be given, except as provided in section 28-1388,
4 subsection E or pursuant to a search warrant.

5 2. The law enforcement officer directing the administration of the
6 test shall:

7 (a) File a certified report of the refusal with the department.

8 (b) On behalf of the department, serve an order of suspension on the
9 person that is effective fifteen days after the date the order is served.

10 (c) Require the immediate surrender of any license or permit to drive
11 that is issued by this state and that is in the possession or control of the
12 person.

13 (d) If the license or permit is not surrendered, state the reason why
14 it is not surrendered.

15 (e) If a valid license or permit is surrendered, issue a temporary
16 driving permit that is valid for fifteen days.

17 (f) Forward the certified report of refusal, a copy of the completed
18 notice of suspension, a copy of any completed temporary permit and any driver
19 license or permit taken into possession under this section to the department
20 within five days after the issuance of the notice of suspension.

21 E. The certified report is subject to the penalty for perjury as
22 prescribed by section 28-1561 and shall state all of the following:

23 1. The officer's reasonable grounds to believe that the arrested
24 person was driving or in actual physical control of a motor vehicle in this
25 state either:

26 (a) While under the influence of intoxicating liquor or drugs.

27 (b) If the person is under twenty-one years of age, with spirituous
28 liquor in the person's body.

29 2. The manner in which the person refused to submit to the test or
30 tests.

31 3. That the person was advised of the consequences of refusal.

32 F. On receipt of the certified report of refusal and a copy of the
33 order of suspension and on the effective date stated on the order, the
34 department shall enter the order of suspension on its records unless a
35 written request for a hearing as provided in this section has been filed by
36 the accused person. If the department receives only the certified report of
37 refusal, the department shall notify the person named in the report in
38 writing sent by mail that:

39 1. Fifteen days after the date of issuance of the notice the
40 department will suspend the person's license or permit, driving privilege or
41 nonresident driving privilege.

42 2. The department will provide an opportunity for a hearing if the
43 person requests a hearing in writing and the request is received by the
44 department within fifteen days after the notice is sent.

1 G. The order of suspension issued by a law enforcement officer or the
2 department under this section shall notify the person that:

3 1. The person may submit a written request for a hearing.

4 2. The request for a hearing must be received by the department within
5 fifteen days after the date of the notice or the order of suspension will
6 become final.

7 3. The affected person's license or permit to drive or right to apply
8 for a license or permit or any nonresident operating privilege will be
9 suspended for twelve months from that date or for two years from that date
10 for a second or subsequent refusal within a period of eighty-four months.

11 H. The order for suspension shall:

12 1. Be accompanied by printed forms that are ready to mail to the
13 department and that may be filled out and signed by the person to indicate
14 the person's desire for a hearing.

15 2. Advise the person that unless the person has surrendered any driver
16 license or permit issued by this state the person's hearing request will not
17 be accepted, except that the person may certify pursuant to section 28-3170
18 that the license or permit is lost or destroyed.

19 I. On the receipt of a request for a hearing, the department shall set
20 the hearing within thirty days in the county in which the person named in the
21 report resides unless the law enforcement agency filing the certified report
22 of refusal pursuant to subsection D of this section requests at the time of
23 its filing that the hearing be held in the county where the refusal occurred.

24 J. A timely request for a hearing stays the suspension until a hearing
25 is held, except that the department shall not return any surrendered license
26 or permit to the person but may issue temporary permits to drive that expire
27 no later than when the department has made its final decision. If the person
28 is a resident without a license or permit or has an expired license or
29 permit, the department may allow the person to apply for a license or
30 permit. If the department determines the person is otherwise entitled to the
31 license or permit, the department shall issue and retain a license or permit
32 subject to this section.

33 K. Hearings requested under this section shall be conducted in the
34 same manner and under the same conditions as provided in section
35 28-3306. For the purposes of this section, the scope of the hearing shall
36 include only the issues of whether:

37 1. A law enforcement officer had reasonable grounds to believe that
38 the person was driving or was in actual physical control of a motor vehicle
39 in this state either:

40 (a) While under the influence of intoxicating liquor or drugs.

41 (b) If the person is under twenty-one years of age, with spirituous
42 liquor in the person's body.

43 2. The person was placed under arrest.

44 3. The person refused to submit to the test.

45 4. The person was informed of the consequences of refusal.

1 L. If the department determines at the hearing to suspend the affected
2 person's privilege to operate a motor vehicle, the suspension provided in
3 this section is effective fifteen days after giving written notice of the
4 suspension, except that the department may issue or extend a temporary
5 license that expires on the effective date of the suspension. If the person
6 is a resident without a license or permit or has an expired license or permit
7 to operate a motor vehicle in this state, the department shall deny to the
8 person the issuance of a license or permit for a period of twelve months
9 after the order of suspension becomes effective or for a period of two years
10 after the order of suspension becomes effective for a second or subsequent
11 refusal within a period of eighty-four months.

12 M. If the suspension order is sustained after the hearing, a motion
13 for rehearing is not required. Within thirty days after a suspension order
14 is sustained, the affected person may file a petition in the superior court
15 to review the final order of suspension or denial by the department in the
16 same manner provided in section 28-3317. The court shall hear the review of
17 the final order of suspension or denial on an expedited basis.

18 N. If the suspension or determination that there should be a denial of
19 issuance is not sustained, the ruling is not admissible in and has no effect
20 on any administrative, civil or criminal court proceeding.

21 O. If it has been determined under the procedures of this section that
22 a nonresident's privilege to operate a motor vehicle in this state has been
23 suspended, the department shall give information in writing of the action
24 taken to the motor vehicle administrator of the state of the person's
25 residence and of any state in which the person has a license.

26 P. After completing not less than ninety consecutive days of the
27 period of suspension required by this section, a person whose driving
28 privilege is suspended pursuant to this section may apply to the department
29 for a special ignition interlock restricted driver license pursuant to
30 section 28-1401. Unless the certified ignition interlock period is extended
31 by the department pursuant to section 28-1402, a person who is issued a
32 special ignition interlock restricted driver license as provided in this
33 subsection shall maintain a functioning certified ignition interlock device
34 in compliance with this chapter during the remaining period of the suspension
35 prescribed by this section. This subsection does not apply to a person whose
36 driving privilege is suspended for a second or subsequent refusal within a
37 period of eighty-four months or a person who within a period of eighty-four
38 months has been convicted of a second or subsequent violation of article 3 of
39 this chapter or section 4-244, paragraph ~~33~~ 35 or an act in another
40 jurisdiction that if committed in this state would be a violation of article
41 3 of this chapter or section 4-244, paragraph ~~33~~ 35.

1 Sec. 7. Section 28-1385, Arizona Revised Statutes, is amended to read:
2 28-1385. Administrative license suspension for driving under
3 the influence; report; hearing; summary review

4 A. A law enforcement officer shall forward to the department a
5 certified report as prescribed in subsection B of this section, subject to
6 the penalty for perjury prescribed by section 28-1561, if both of the
7 following occur:

8 1. The officer arrests a person for a violation of section 4-244,
9 paragraph ~~33~~ 35, section 28-1381, section 28-1382 or section 28-1383.

10 2. The person submits to a blood or breath alcohol test permitted by
11 section 28-1321, the results of which indicate either:

12 (a) 0.08 or more alcohol concentration in the person's blood or
13 breath.

14 (b) 0.04 or more alcohol concentration in the person's blood or breath
15 if the person was driving or in actual physical control of a commercial motor
16 vehicle.

17 B. The officer shall make the certified report required by subsection
18 A of this section on forms supplied or approved by the department. The
19 report shall state information that is relevant to the enforcement action,
20 including:

21 1. Information that adequately identifies the arrested person.

22 2. A statement of the officer's grounds for belief that the person was
23 driving or in actual physical control of a motor vehicle in violation of
24 section 4-244, paragraph ~~33~~ 35, section 28-1381 or section 28-1382.

25 3. A statement that the person was arrested for a violation of section
26 4-244, paragraph ~~33~~ 35, section 28-1381, section 28-1382 or section 28-1383.

27 4. A report of the results of the chemical test that was administered.

28 C. The officer shall also serve an order of suspension on the person
29 on behalf of the department. The order of suspension:

30 1. Is effective fifteen days after the date it is served.

31 2. Shall require the immediate surrender of any license or permit to
32 drive that is issued by this state and that is in the possession or control
33 of the person.

34 3. Shall contain information concerning the right to a summary review
35 and hearing, including information concerning the hearing as required by
36 section 28-1321, subsections G and H.

37 4. Shall be accompanied by printed forms ready to mail to the
38 department that the person may fill out and sign to indicate the person's
39 desire for a hearing.

40 5. Shall be entered on the department's records on receipt of the
41 report by the officer and a copy of the order of suspension.

1 D. If the license or permit is not surrendered pursuant to subsection
2 C of this section, the officer shall state the reason for the nonsurrender.
3 If a valid license or permit is surrendered, the officer shall issue a
4 temporary driving permit that is valid for fifteen days. The officer shall
5 forward a copy of the completed order of suspension, a copy of any completed
6 temporary permit and any driver license or permit taken into possession under
7 this section to the department within five days after the issuance of the
8 order of suspension along with the report.

9 E. The department shall suspend the affected person's license or
10 permit to drive or right to apply for a license or permit or any nonresident
11 operating privilege for not less than ninety consecutive days from that date.

12 F. Notwithstanding subsections A through E of this section, the
13 department shall suspend the driving privileges of the person described in
14 subsection A of this section for not less than thirty consecutive days and
15 shall restrict the driving privileges of the person for not less than sixty
16 consecutive additional days to travel between the person's place of
17 employment and residence and during specified periods of time while at
18 employment, to travel between the person's place of residence and the
19 person's secondary or postsecondary school, according to the person's
20 employment or educational schedule, to travel between the person's place of
21 residence and the office of the person's probation officer for scheduled
22 appointments or to travel between the person's place of residence and a
23 screening, education or treatment facility for scheduled appointments if the
24 person:

25 1. Did not cause serious physical injury as defined in section 13-105
26 to another person during the course of conduct out of which the current
27 action arose.

28 2. Has not been convicted of a violation of section 28-1381, 28-1382
29 or 28-1383 within eighty-four months of the date of commission of the acts
30 out of which the current action arose. The dates of commission of the acts
31 are the determining factor in applying the eighty-four month provision.

32 3. Has not had the person's privilege to drive suspended pursuant to
33 this section or section 28-1321 within eighty-four months of the date of
34 commission of the acts out of which the current action arose.

35 G. If the department receives only the report of the results of the
36 blood or breath alcohol test and the results indicate 0.08 or more alcohol
37 concentration in the person's blood or breath, or show a blood or breath
38 alcohol concentration of 0.04 or more and the person was driving or in actual
39 physical control of a commercial motor vehicle, the department shall notify
40 the person named in the report in writing sent by mail that fifteen days
41 after the date of issuance of the notice the department will suspend the
42 person's license or permit, driving privilege or nonresident driving
43 privilege. The notice shall also state that the department will provide an
44 opportunity for a hearing and administrative review if the person requests a

1 hearing or review in writing and the request is received by the department
2 within fifteen days after the notice is sent.

3 H. A timely request for a hearing stays the suspension until a hearing
4 is held, except that the department shall not return any surrendered license
5 or permit to the person but may issue temporary permits to drive that expire
6 no later than when the department has made its final decision. If the person
7 is a resident without a license or permit or has an expired license or
8 permit, the department may allow the person to apply for a license or permit.
9 If the department determines the person is otherwise entitled to the license
10 or permit, the department shall issue, but retain, the license or permit,
11 subject to this section. All hearings requested under this section shall be
12 conducted in the same manner and under the same conditions as provided in
13 section 28-3306.

14 I. For the purposes of this section, the scope of the hearing shall
15 include only the following issues:

16 1. Whether the officer had reasonable grounds to believe the person
17 was driving or was in actual physical control of a motor vehicle while under
18 the influence of intoxicating liquor.

19 2. Whether the person was placed under arrest for a violation of
20 section 4-244, paragraph ~~33~~ 35, section 28-1381, section 28-1382 or section
21 28-1383.

22 3. Whether a test was taken, the results of which indicated the
23 alcohol concentration in the person's blood or breath at the time the test
24 was administered of either:

25 (a) 0.08 or more.

26 (b) 0.04 or more if the person was driving or in actual physical
27 control of a commercial motor vehicle.

28 4. Whether the testing method used was valid and reliable.

29 5. Whether the test results were accurately evaluated.

30 J. The results of the blood or breath alcohol test shall be admitted
31 on establishing the requirements in section 28-1323 or 28-1326.

32 K. If the department determines at the hearing to suspend the affected
33 person's privilege to operate a motor vehicle, the suspension provided in
34 this section is effective fifteen days after giving written notice of the
35 suspension, except that the department may issue or extend a temporary
36 license that expires on the effective date of the suspension. If the person
37 is a resident without a license or permit or has an expired license or permit
38 to operate a motor vehicle in this state, the department shall deny the
39 issuance of a license or permit to the person for not less than ninety
40 consecutive days.

41 L. A person may apply for a summary review of an order issued pursuant
42 to this section instead of a hearing at any time before the effective date of
43 the order. The person shall submit the application in writing to any
44 department driver license examining office together with any written
45 explanation as to why the department should not suspend the driving

1 privilege. The agent of the department receiving the notice shall issue to
2 the person an additional driving permit that expires twenty days from the
3 date the request is received. The department shall review all reports
4 submitted by the officer and any written explanation submitted by the person
5 and shall determine if the order of suspension should be sustained or
6 cancelled. The department shall not hold a hearing, and the review is not
7 subject to title 41, chapter 6. The department shall notify the person of
8 its decision before the temporary driving permit expires.

9 M. If the suspension or determination that there should be a denial of
10 issuance is not sustained after a hearing or review, the ruling is not
11 admissible in and does not have any effect on any civil or criminal court
12 proceeding.

13 N. If it has been determined under the procedures of this section that
14 a nonresident's privilege to operate a motor vehicle in this state has been
15 suspended, the department shall give information in writing of the action
16 taken to the motor vehicle administrator of the state of the person's
17 residence and of any state in which the person has a license.

18 Sec. 8. Section 28-3320, Arizona Revised Statutes, is amended to read:

19 28-3320. Suspension of license for persons under eighteen years
20 of age; notice; definition

21 A. In addition to the grounds for mandatory suspension or revocation
22 provided for in chapters 3, 4 and 5 of this title, the department shall
23 immediately suspend the driver license or privilege to drive or refuse to
24 issue a driver license or privilege to drive of a person who commits an
25 offense while under eighteen years of age as follows:

26 1. For a period of two years on receiving the record of the person's
27 conviction for a violation of section 4-244, paragraph ~~33~~ 35, section 28-1381
28 or section 28-1382.

29 2. For a period of three years on receiving the record of the person's
30 conviction for a violation of section 28-1383.

31 3. Until the person's eighteenth birthday on receiving the record of
32 the person's conviction for a violation of section 13-1602, subsection A,
33 paragraph 1 or section 13-1604, subsection A involving the damage or
34 disfigurement of property by graffiti.

35 4. Until the person's eighteenth birthday on receiving the record of
36 the person's conviction of criminal damage pursuant to section 13-1602,
37 subsection A, paragraph 5 or a violation of a city or town ordinance that
38 prohibits the type of criminal action prescribed in section 13-1602,
39 subsection A, paragraph 5.

40 5. Until the person's eighteenth birthday on receiving the record of
41 the person's conviction for a violation of any statute or ordinance involving
42 the purchase or possession of materials used for graffiti.

43 6. Until the person's eighteenth birthday on receiving the record of
44 the person's conviction for a violation of any provision of title 13,
45 chapter 34.

1 7. Until the person's eighteenth birthday or for a period of two years
2 on receiving the record of the person's conviction for a second or subsequent
3 violation of section 4-244, paragraph 9, if ordered by the court.

4 8. Until the person's eighteenth birthday on receiving the record of
5 the person's conviction of theft of a motor vehicle pursuant to section
6 13-1802, unlawful use of means of transportation pursuant to section 13-1803
7 or theft of means of transportation pursuant to section 13-1814.

8 B. If ordered by the court, the department shall restrict the person's
9 privilege to drive between the person's home, school and place of employment
10 during specified periods of time according to the person's school and
11 employment schedule.

12 C. If a person commits an offense prescribed in subsection A,
13 paragraph 1 of this section and the person's privilege to drive is restricted
14 as prescribed in subsection B of this section, the department shall issue a
15 special ignition interlock restricted driver license to the person pursuant
16 to section 28-1401.

17 D. If ordered by the court pursuant to section 4-246, subsection C,
18 the department shall suspend the driving privilege of a person under ~~the age~~
19 ~~of~~ eighteen YEARS OF AGE for a period of up to one hundred eighty days on
20 receiving the record of the person's first conviction for a violation of
21 section 4-244, paragraph 9.

22 E. For the purposes of this section, "conviction" means a final
23 conviction or judgment, including an order of the juvenile court finding that
24 a juvenile violated any provision of this title or committed a delinquent act
25 that if committed by an adult would constitute a criminal offense.

26 Sec. 9. Section 28-3322, Arizona Revised Statutes, is amended to read:

27 28-3322. Suspension of license for persons eighteen, nineteen
28 and twenty years of age; definition

29 A. In addition to the grounds for mandatory suspension or revocation
30 provided for in chapters 3, 4 and 5 of this title, the department shall
31 immediately suspend the driver license or privilege to drive or refuse to
32 issue a driver license or privilege to drive of a person who commits a
33 violation of section 4-244, paragraph ~~33~~ 35 while the person is eighteen,
34 nineteen or twenty years of age on receipt of the record of the person's
35 conviction for a violation of section 4-244, paragraph ~~33~~ 35 for a period of
36 two years.

37 B. If ordered by the court, the department shall restrict the person's
38 privilege to drive between the person's home, school and place of employment
39 during specified periods of time according to the person's school and
40 employment schedule.

41 C. If a person's privilege to drive is restricted as prescribed in
42 subsection B of this section, the department shall issue a special ignition
43 interlock restricted driver license to the person pursuant to section
44 28-1401.

1 D. For the purposes of this section, "conviction" means a final
2 conviction or judgment, including an order of the juvenile court finding that
3 a juvenile violated any provision of this title or committed a delinquent act
4 that if committed by an adult would constitute a criminal offense.

5 Sec. 10. Section 28-3511, Arizona Revised Statutes, is amended to
6 read:

7 28-3511. Removal and immobilization or impoundment of vehicle

8 A. A peace officer shall cause the removal and either immobilization
9 or impoundment of a vehicle if the peace officer determines that a person is
10 driving the vehicle while either of the following applies:

11 1. The person's driving privilege is suspended or revoked for any
12 reason.

13 2. The person has not ever been issued a valid driver license or
14 permit by this state and the person does not produce evidence of ever having
15 a valid driver license or permit issued by another jurisdiction.

16 3. The person is subject to an ignition interlock device requirement
17 pursuant to chapter 4 of this title and the person is operating a vehicle
18 without a functioning certified ignition interlock device. This paragraph
19 does not apply to a person operating an employer's vehicle or the operation
20 of a vehicle due to a substantial emergency as defined in section 28-1464.

21 B. A peace officer shall cause the removal and impoundment of a
22 vehicle if the peace officer determines that a person is driving the vehicle
23 and if all of the following apply:

24 1. The person's driving privilege is canceled, suspended or revoked
25 for any reason or the person has not ever been issued a driver license or
26 permit by this state and the person does not produce evidence of ever having
27 a driver license or permit issued by another jurisdiction.

28 2. The person is not in compliance with the financial responsibility
29 requirements of chapter 9, article 4 of this title.

30 3. The person is driving a vehicle that is involved in an accident
31 that results in either property damage or injury to or death of another
32 person.

33 C. Except as provided in subsection D of this section, while a peace
34 officer has control of the vehicle the peace officer shall cause the removal
35 and either immobilization or impoundment of the vehicle if the peace officer
36 has probable cause to arrest the driver of the vehicle for a violation of
37 section 4-244, paragraph ~~33~~ 35 or section 28-1382 or 28-1383.

38 D. A peace officer shall not cause the removal and either the
39 immobilization or impoundment of a vehicle pursuant to subsection C of this
40 section if all of the following apply:

41 1. The peace officer determines that the vehicle is currently
42 registered and that the driver or the vehicle is in compliance with the
43 financial responsibility requirements of chapter 9, article 4 of this title.

44 2. The spouse of the driver is with the driver at the time of the
45 arrest.

1 3. The peace officer has reasonable grounds to believe that the spouse
2 of the driver:

3 (a) Has a valid driver license.

4 (b) Is not impaired by intoxicating liquor, any drug, a vapor
5 releasing substance containing a toxic substance or any combination of
6 liquor, drugs or vapor releasing substances.

7 (c) Does not have any spirituous liquor in the spouse's body if the
8 spouse is under twenty-one years of age.

9 4. The spouse notifies the peace officer that the spouse will drive
10 the vehicle from the place of arrest to the driver's home or other place of
11 safety.

12 5. The spouse drives the vehicle as prescribed by paragraph 4 of this
13 subsection.

14 E. Except as otherwise provided in this article, a vehicle that is
15 removed and either immobilized or impounded pursuant to subsection A, B or C
16 of this section shall be immobilized or impounded for thirty days. An
17 insurance company does not have a duty to pay any benefits for charges or
18 fees for immobilization or impoundment.

19 F. The owner of a vehicle that is removed and either immobilized or
20 impounded pursuant to subsection A, B or C of this section, the spouse of the
21 owner and each person identified on the department's record with an interest
22 in the vehicle shall be provided with an opportunity for an immobilization or
23 poststorage hearing pursuant to section 28-3514.

24 Sec. 11. Legislative intent

25 The legislature finds that there are serious and continuing concerns
26 regarding the combination of spirituous liquor consumption and firearms.